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Date: *Sept. 29,* 2006

Fax transmission from:  
GEOFFREY A. BRAUN, Esq.

To: *Eliz Garcia, Clerk to Hon. James Ware*

Fax #: *535-5464*

Re: *U.S. v. Richard Fong CR 05-00723-6 JW*

Message:

*Enclosed find Stipulation Continuing Sentencing Date. I have  
signed for John Glang, AUSA w/ his permission.  
I will make another attempt to file this electronically.*

Attachments: *Stipulation Order, 2 pages*

Total pages (including cover page): *3*

Reply to Geoffrey A. Braun, Esq. at fax #: 408-288-7316

1 **GEOFFREY A. BRAUN**  
 2 **Bar #46562**  
 3 **181 Devine St.**  
**San Jose, CA 95110**  
**(408) 288-9512**

4 Attorney for Defendant  
 5 Richard Fong

6 IN THE UNITED STATES DISTRICT COURT  
 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 8 SAN JOSE DIVISION

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 RICHARD FONG,

13 Defendant.

No. CR 05-00723 JW

STIPULATION AND ORDER  
 CONTINUING SENTENCING DATE

Hon. James Ware, Judge

14 RECITALS:

15 On July 31, 2006 Defendant Fong and Government entered into a formal plea agreement  
 16 pursuant to Rule 11(c)(1) (C) F.R.Crim. Proc. and defendant entered his plea of guilty to one  
 17 count of a violation of 21 U.S.C. §§ 846 and 841(a)(1) (conspiracy to distribute MDMA).  
 18 Sentencing was set on September 25, 2006 at 1:30 P.M. in this Court and was subsequently  
 19 continued on the Court's motion to October 2, 2006 at 1:30 P.M.

20 Because of health reasons the assistant federal probation officer assigned to the case was  
 21 unable to interview the defendant or to write any portion of the probation report and the case  
 22 must be continued for sentencing. After discussions among newly-assigned Federal Probation  
 23 Officer J.D. Woods, Assistant United States Attorney John Glang, and Geoffrey A. Braun,  
 24 counsel for defendant Fong, the parties have agreed upon a new sentencing date and hereby  
 25 stipulate as follows:

26 /// /// /// /// ///

27  
 28 U.S. v. Richard Fong #CR 05-00723 JW  
 Stipulation and Order Continuing Sentencing Date

1 STIPULATION:

2 The parties hereby stipulate that sentencing in this matter be continued to November 6,  
3 2006 at 1:30 P.M.

4 Dated: September 22, 2006  
5 At San Jose, CA.

6   
7 s/ JOHN N. GLANG

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Assistant United States Attorney

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10 s/ GEOFFREY A. BRAUN

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Attorney for Defendant, Richard Fong

12 ORDER:

13 The above Stipulation having been read and considered, and good cause appearing,  
14 sentencing in this case is hereby continued to November 6, 2006 at 1:30 P.M. in this Courtroom

15  
16 Dated: 9/29/06  
17 At San Jose, CA.

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JAMES WARE, District Judge

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28 U.S. v. Richard Fong #CR 05-00723 JW  
Stipulation and Order Continuing Sentencing Date